

REMARKS

Claims 11-24 are pending in the application.

Claims 11-24 had been rejected.

Claims 1-10 had been previously cancelled without prejudice.

Claims 11 and 18 have been amended to further clarify that which Applicant claims as its invention and to correct minor informalities.

No new matter has been added.

Reconsideration of the Claims is respectfully requested.

Applicant appreciates Examiner's consideration of its Response of June 24, 2005 to the Office Action dated March 31, 2005.

1. Rejection under 35 USC § 112, ¶ 2

The Office Action had sustained its rejection to claims 13-14 and 20-21 under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action stated that the claim scope was uncertain since a trademark or trade name cannot be used properly to identify any particular material or product.

In sustaining its rejection, the Office Action had suggested that applicant "refer to the background of Green (US 6,519,290) submitted herein wherein Green explicitly recites in column 1, lines 23-26 that Bluetooth is a trademark of Telefonakiebolaeet LM Ericson, Stolkholm, Sweden." (*Final Office Action* at p. 7).

Applicant respectfully submits that the term "Bluetooth," as understood, does not serve to identify or distinguish the products of Telefonakiebolaeet LM Ericson ("Ericson") in commerce. First, referring to Green, the statement is recited in U.S. 6,519,290, which states the assignee is Cypress Semiconductor Corp. This corporate entity does not appear to be affiliated with Ericson, so the statement was not made by Ericson or on its behalf. Accordingly, the statement alone is insufficient as a basis for a trademark usage of the term "Bluetooth" by Ericson. Second, the term "Bluetooth" is registered in the U.S. Patent & Trademark Office as a certification mark (*see* TM Reg. No. 75643769), which is "used by a person other than its owner, . . . to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person's goods or services . . ." TMEP § 1306.01 ("Definition of Certification Mark") (emphasis added).

Applicant respectfully submits that the term “Bluetooth,” along with the term “USB,” serves as a name used in trade. That is, as “a nonproprietary name by which an article or product is known and called among traders or workers in the art, although it may not be so known by the public, generally. Names used in trade do not point to the product of one producer, but they identify a single article or product irrespective of producer.” MPEP 608.01(v) (rev. 2, May 2004).

The Office Action stated that “[t]hese standard and/or specification are subject to modifications by their owners and do not have fixed meaning; therefore the metes and bounds of the claims are indefinite.” (*Final Office Action* at p. 7). With respect to such terms, they are permitted in patent applications where, in the United States and its territories, “their meanings are well-known and satisfactorily defined in the literature.” MPEP 608.01(v) (*see, e.g.,* Green at Claim 10). The Applicant provided hyperlinks in its prior response as examples of the defined specifications.

The Office Action had also stated that “at least one version of the Bluetooth operating standard” application is subject to indefiniteness “since it is unclear since the technical details each version is continually changing.” (*Office Action* at p. 7). As permitted, this language takes into consideration the backwards-compatibility with respect to the “Bluetooth operating standard,” and as permissible, addresses foreseeable alteration of Applicant’s claimed structure. *See generally* MPEP 2181 at p. 2100-219 (citing *Sage Prods. Inc. v. Devon Indus., Inc.*, 126 F.3d 1420, 1425 (Fed. Cir. 1997)).

2. Rejection under 35 USC § 102

For establishing anticipation, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim.” MPEP § 2131 at p. 2100-73 (Rev. 2, May 2004) (citations omitted).

The Office Action had rejected claims 11, 15, 17-18, 22, and 24 under 35 U.S.C. §102(b) as being allegedly unpatentable over U.S. Patent No. 5,854,621 by Junod et al. (Junod).

Junod recites a “radio frequency, wireless video display cursor pointing devices such as mice or trackballs.” (Junod Col. 1:15-16). The mice or trackball devices of Junod “includes unidirectional communication between the mouse and the receiver.” (Junod Col. 2:63-64). Junod notes the problem unidirectional communication creates in that “the receiver has no way to request a repeat transmission from the mouse, and so must discard data it cannot clearly interpret as correct. Additionally, the receiver

cannot inquire concerning the characteristics of the device, for example to determine whether the transmitting device is a mouse, a trackball, a keyboard, or something else; and, if a mouse, whether it has two- or three-buttons. This data can only be ascertained by the receiver if it is sent by the [transmitting device's] transmitter; however, predetermined default values may be used until such data is sent." (Junod Col. 2:66-67; Col. 3:2-9; *see also* Col. 7:22-27 ("In a presently preferred embodiment, the RF amplifier 420 typically communicates unidirectionally with the host adapter 20, and thus does not receive signals back from the adapter 20." (emphasis added))).

The unidirectional mouse device of Junod has a host adaptor setup to for "correspondingly change between single and multiple peripheral reception by the host adapter 20. In the single peripheral reception of the presently preferred embodiment, the CPU 600 analyzes the received, demodulated data and discards all of the data reports which do not have the correct mouse identification code attached to them." (Junod Col. 9:6-12). In kind, the mouse of Junod "allows a user to switch among four different transmission channels by depressing the button 230." (Junod Col. 5:14-16). "On power up of the mouse ([that is,] insertion of two AAA batteries), the CPU 320 downloads information from the [mouse] EEPROM 340. This information includes the [mouse's] frequency of the current radio channel, the sampling rate of the photodetectors 310 and the identification code information for that particular mouse." Accordingly, Junod is a unidirectional communication device that allows for setup through switch selection techniques.

In contrast, Applicant's claim 11 recites, *inter alia*, a "host-side wireless interface that services a host computer and at least one wireless user input device, the host-side wireless interface comprising: a host interface that operably couples to the host computer; . . . a wireless network interface operably coupled to the processing unit and to the host interface that wirelessly couples the host-side wireless interface to the least one wireless user input device; wherein during a configuration operation, configuration information from the at least one wireless user input device is stored in the non-volatile memory and is also transferred to the host computer via the host interface; and during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the at least one wireless user input device."

Claim 18 recites, *inter alia*, a "computer system comprising: a host computer; at least one wireless user input device; and a host-side wireless interface that includes: a host interface that operably couples to the host computer; a processing unit operably coupled to the host interface; . . . and a wireless network interface operably coupled to the processing unit and to the host interface that wirelessly couples the host-side wireless

interface to the least one wireless user input device; wherein during a configuration operation, configuration information from the at least one wireless user input device is stored in the non-volatile memory and is also transferred to the host computer via the host interface; and during a subsequent boot mode operation, the configuration information is retrieved from the non-volatile memory and used in servicing the at least one wireless user input device.”

Accordingly, Applicant respectfully submits that each and every element as set forth in its Claim 11 and Claim 18, as for example the underlined portions, is not found in Junod. Applicant submits that Independent Claim 11 and Claims 12-17 that depend therefrom, and Independent Claim 18 and Claims 19-24 that depend therefrom, are allowable. Applicant respectfully requests withdrawal of the rejections to these claims.

3. Rejection under 35 USC § 103

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure. MPEP § 2142, p. 2100-128 (Rev. 2, May 2004) (citations omitted).

The Office Action rejected claims 11-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,782,245 by Lazzarotto et al. (“Lazzarotto”) in view of Junod.

Lazzarotto recites “a communication hub that couples a wireless peripheral with a universal serial bus (USB) configured device. The USB configured device may be, for example, a USB-enabled host computer system. The communication hub includes a wireless peripheral interface.” (Lazzarotto Col. 2:41-45).

In that Junod does not provide a basis for anticipation of Applicant’s Independent Claim 1 and Independent Claim 18, the inclusion of hub-device of Lazzarotto does not provide the elements lacking in Junod such that the hypothetical combination with the unilateral mouse device of Junod do not suggest all the claim limitations. Further, in view of the unilateral communication of Junod, there is no suggestion or

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motivation to modify the hub device of Lazzarotto with the unilateral mouse device of Junod to achieve Applicant's claimed invention.

Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established, and that its Independent Claim 11 and Claims 12-17 that depend therefrom, and its Independent Claim 18 and Claims 18-24 that depend therefrom, are allowable. Applicant respectfully requests withdrawal of the rejections to these claims.

4. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 11-24 in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *ksmith@texaspatents.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (BP2859).

Respectfully submitted,

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/Kevin L. Smith/

Kevin L. Smith, Reg. No. 38,620
Attorney for Applicant

Garlick Harrison & Markison, LLP
P.O. Box 160727
Austin, TX 78716-0727
(972) 772-8836/office
(972) 772-5033/facsimile

CUSTOMER NUMBER: 51,472

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2. The attached sheet replaces the original sheet containing Fig. 2. The attached sheet changes the term "X-AXIS" to "Y-AXIS" in block 212. No new matter has been added by this amendment.